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ESTABLISHED IN 1956

March 26, 2021

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Honorable Judge Anne Y. Shields, U.S.M.J.
United States District Court: Eastern District
100 Federal Plaza
P.O. Box 830
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Courtroom 830

Re: Lepper v. Village of Babylon, et al.
Case No.: 2:18-CV-07011
Our File No.: PDG/EPT 148530-752

Dear Honorable Judge Shields:

In reply to the response letter to defendants' demand for videos taken by or on behalf of the plaintiffs, we note that the objection from the plaintiffs is that we have not asked for the videos before. They do not assert that video was not taken at the depositions and the inspections. They contend that the request is "newfound" and that the videos had not been discussed in conference among counsel. However, the demand for videos was previously discussed and was previously made. Attached as Exhibit 1 (page 2, third full paragraph down) is defendants' letter dated December 17, 2020 to Honorable Judge Azrack, wherein we reference the videos as outstanding, which were discussed at the meet and confer preceding the letter detailing outstanding discovery.

We reserve our right to object to the videos as evidentiary material, but we respectfully submit that we have a right to review them. Plaintiff's counsel categorizing the videos as attorney notes is perplexing. The videos were taken of the witnesses and at the site inspection in public

view. That defendants chose not to order a professional videographer or that plaintiffs want a resolution of the case and will not move for any further relief regarding discovery or summary judgment is not relevant to the defendants' demands. The defendants seek a disposition of the case also and intend to move for summary judgment. Nonetheless, entitlement to disclosure of the videos is the issue at hand.

Thank you for your good attention to this matter.

Respectfully submitted,

KELLY, RODE & KELLY, LLP

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EPT:jl

Enc.

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